

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claims 1-3, 8, 9, 12-14, 17 and 19-21 are currently being amended.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-21 are pending in this application.

Objection to the Title:

In the final Office Action, the title was objected to because it was not sufficiently descriptive. By way of the now-entered amendment and reply filed on November 19, 2007 (by virtue of the filing of an RCE), a more descriptive title is being presented.

Claim Rejections – Prior Art:

In the final Office Action, claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida (U.S. Patent No. 6,330,620) in view of Tsurumaki (JP Pub. No. 2001-256000). With respect to claims 1-21, the rejection is respectfully traversed.

Applicants stand by the arguments provided in the now-entered amendment and reply filed on November 19, 2007 (by virtue of the filing of an RCE), which describe why those claims patentably distinguish over the cited art of record.

In any event, each of the presently pending independent claims has been further amended, in this Amendment and Reply Accompanying RCE, to more clearly distinguish over the teachings of Uchida and Tsurumaki. In more detail, the amount that the disk spends on the I/O process in the system of Tsurumaki is not a predetermined value, but rather is a variable value that must be measured each time an I/O data transfer is performed in the system of Tsurumaki. (Tsurumaki; paragraphs [0012], [0018], [0024], [0025], [0030], and [0031]). The presently pending independent claims have been amended to recite that **the first**

predetermined value and the another predetermined value respectively correspond to first and second constants, and thus they cannot correspond to the variable values described in Tsurumaki, whereby Uchida does not rectify this deficiency of Tsurumaki.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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